

**RESOLUTION AMENDING ARTICLE IV OF CHAPTER 82 OF THE FULTON COUNTY CODE, RELATING TO USE OF THE COUNTY'S PUBLICLY OWNED SEWER FACILITIES AND COLLECTION SYSTEMS; TO AMEND THE FULTON COUNTY SEWER PRETREATMENT REGULATIONS; TO ENACT THE COUNTY SEWER USE AND PRETREATMENT ORDINANCE; TO PROVIDE FOR STANDARDS, PROCEDURES AND PENALTIES RELATING TO SAME; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Georgia Clean Water Act of 1964, as amended, places primary responsibility for ensuring the safety of the waters of the State on the Environmental Protection Division ("EPD") of the Georgia Department of Natural Resources; and

**WHEREAS**, the Director of EPD is required to promulgate regulations and rules to regulate each public water system in the State and to issue permits to require conformance with all rules, regulations and orders, adopted pursuant to the Georgia Clean Water Act of 1964; and

**WHEREAS**, Fulton County operates several wastewater treatment facilities (Publicly Owned Treatment Works, "POTWs") which are permitted under the National Pollution Discharge Elimination Discharge Systems ("NPDES"); and

**WHEREAS**, these POTWs receive wastewater from numerous industrial commercial establishments; and

**WHEREAS**, the chemical and physical nature as well as the strength and volume of certain industrial and commercial wastewaters can damage or adversely affect the operation of the County's wastewater system; and

**WHEREAS**, the EPD has required local governments operating facilities under NPDES to implement changes incorporated in the Code of Federal Regulations affecting industrial wastewater discharges; and

**WHEREAS**, the current regulations for use of the County's sewers and collection systems and for pretreatment are outdated and need to be updated; and

**WHEREAS**, Fulton County's existing sewer regulations pertaining to industrial pretreatment have been modified and approved by the State EPD to reflect those changes; and

**WHEREAS**, Fulton County similarly finds it necessary to improve the regulation of the pretreatment of commercial wastewater; and

**WHEREAS**, the Board of Commissioners finds it desirable and in the interest of the health, safety and welfare of the public to amend Article IV, Chapter 82 of the Code of Ordinances, in order to create and enact the **Fulton County Sewer Use and Pretreatment Ordinance**.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Fulton County, Georgia, that: Article IV, (Chapter 82, Section 82-231 et seq.) of the Fulton County Code of Ordinances is hereby amended by deleting said Article IV in its entirety and replacing it with a new Article IV to read as follows:

**Sec. 82-231. Title.**

This article shall be known and may be cited as the “**Fulton County Sewer Use and Pretreatment Ordinance**”, and as Article IV, Chapter 82 of the Code of Ordinances of Fulton County.

**Sec. 82-232. Enactment authority.**

This article is enacted, under the authority of Article 9, Section 2, Paragraph 1 (Home Rule For Counties) and Article 9, Section 2, Paragraph III (Supplementary Powers) of the 1983 Constitution of the State of Georgia, as amended, the Georgia Clean Water of 1964, O.C.G.A § 12-5-20 *et seq.* and O.C.G.A § 36-1-20.

**Sec. 82-233. Purpose**

Fulton County enacts this article in order to implement and enforce the rules and requirements of the Georgia Clean Water Act of 1964, as amended; to set forth uniform requirements for users of the Publicly Owned Treatment Works for the County; to enable the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United s Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403); to prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation; to prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works; to protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and to enable the County to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

**Sec. 82-234. Scope of article.**

The provisions of this article shall apply to unincorporated Fulton County and any other area within the jurisdiction of the Board of Commissioners, and to all users of the Publicly Owned Treatment Works. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**Sec. 82-235. Definitions.**

Unless a provision explicitly states otherwise, the following words, terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- a. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- b. Alternative system. Any approved pretreatment system used in lieu of, including modifications to a standard subsurface system outside the building or an interior type system that is installed other than the Fulton County standard.
- c. Approval authority. The Georgia Department of Natural Resources, Environment Protection Division.
- d. Authorized representative of the user.
  - (i) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (iii) If the user is a federal or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (iv) The individuals described in subsections d (i) through d (iii) above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the County.
- e. Automatic grease recovery unit. Electronic grease removal system used on the interior to collect liquid wastewater from kitchen equipment.
- f. Biochemical oxygen demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) calendar days at 20° centigrade, usually expressed as milligrams per liter (mg/L).
- g. Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, subchapter N, parts 405-471.

- h. Chemical oxygen demand. The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, usually expressed as a concentration (e.g. mg/L).
- i. Composite sample. A sample composed of no less than eight grab samples taken over the compositing period. A flow proportional composite is a composite sample in which each portion of the sample is proportionate to the flow and combined to form a representative sample.
- j. Commercial waste. Nontoxic, non hazardous liquid wastewater from commercial facilities. Fats, oil, grease, food scraps and other grease trap contents generated by a food operation or institutional food preparation facility. Any oil waste residue produced from vehicle maintenance or washing that discharges to an oil water separator and/or sand trap.
- k. Commercial waste FOG permit. A permit issued to a transporter for the collection of commercial waste by pumping out, cleaning, or otherwise servicing a grease trap, oil water separator and sand trap.
- l. Corbel. To build out one or more courses of brick or stone from the face of a wall in order to form a support.
- m. County. Fulton County acting under the authority of the Board of Commissioners and by and through its duly authorized, appointed and/or elected officers or employees.
- n. Director. The director of the Fulton County Public Works Department or a duly authorized representative.
- o. Disposer. A licensed person or company that receives commercial waste from a transporter for disposal.
- p. Division. Department of Natural Resources Environmental Protection Division.
- q. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- r. Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.
- s. Failure. A condition existing within a pretreatment system which results in the discharge of untreated or partially treated wastewater to the sanitary sewerage system or POTW.
- t. Generator. A person or company that produces commercial waste.
- u. GPM. Gallons per minute.
- v. Grab sample. A sample which is taken from a waste stream without regard to the flow in the

waste stream and over a period of time not to exceed fifteen (15) minutes.

- w. Grease Trap. A structure or device found in commercial food facilities that separates and retains fats, oil, grease waste prior to discharge to the sanitary sewer system.
- x. Gray water. Liquid wastewater located in a pretreatment system. Also known as brown water.
- y. Indirect discharge or discharge. The introduction of pollutants into the POTW from any non domestic source regulated under section 307(b), (c), or (d) of the Act.
- z. Innovative system. A pretreatment system that, in whole or in part, employs, materials devices, or techniques that are novel or unique that are not specifically described and have not been successfully field tested under sound scientific and engineering principles.
- aa. Installer. A person or company responsible for a contracted project who, for compensation, undertakes to submit a bid to, or does himself or by others construct, install, alter, repair, or modify a pretreatment system. An installer must be a licensed contractor or master plumber in the State of Georgia possessing the experience, knowledge, skill and ability to provide services pertaining to the installation, construction, alteration, repair and design of a pretreatment system.
- bb. Instantaneous maximum allowable discharge limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- cc. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the County's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any regulations contained in any sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- dd. Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.  
New source.
  - (i) Any building, structure, facility, or installation from which there is, or may be, the discharge of pollutants. The construction of such is commenced after the publication of proposed regulations prescribing a standard of performance under section 306 of the Clean Water Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the Act, provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (iii) Construction of a new source as defined under this article has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- ff. Non-contact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- gg. Oil water separator. A structure or device installed in commercial facilities to retain and separate oil waste prior to discharge to sanitary sewer.
- hh. Pass through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the County's NPDES permit, including an increase in the magnitude or duration of a violation.

- ii. PDI certification. Plumbing certification given to plumbing equipment, by the Plumbing and Drainage Institute that has passed the Institute's testing standards.
- jj. Permit. Written authorization granted to a person or company to perform services or discharge commercial waste to the sanitary sewer in the County.
- kk. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.
- ll. PH. A PH measure of the acidity or alkalinity of a solution, expressed in standard units
- mm. Phosphorus. An essential chemical element and nutrient for all life forms. Occurs in ortho, pyro, tripoly and organic forms. Each of these forms and their sum (total P) is expressed as mg/L elemental phosphorus.
- nn. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- oo. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- pp. Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- qq. Pretreatment standards or standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- rr. Pretreatment system. A grease trap, oil water separator, and sand trap installed to the exterior of the building subsurface or interior at a sink, dishwasher, floor drain, and utility sink to collect and treat commercial wastewater prior to discharge to the sanitary sewer or POTW.
- ss. Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this article.
- tt. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

- uu. Repair. Replacement of, modification, or addition to a failing pretreatment system which is necessary to allow the system to function to eliminate a public health hazard or pollution hazard. Servicing or replacing mechanical and electrical parts, replacing with a system comparable to that which is currently inoperable, or making minor structural corrections to a tank.
- vv. Septic tank waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- ww. Sewage. A combination of water carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters, and storm waters as may be present but unintentionally admitted.
- xx. Significant industrial user.
- (i) A user subject to categorical pretreatment standards; or
  - (ii) A user that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
    - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (c) Is designated as such by the County on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - (iii) Upon a finding that a user meeting the criteria in (ii) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.
- yy. Slug load or slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 82-237(1.)(B) of this article.
- zz. Standard industrial classification (SIC) code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- aaa. Storm water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- bbb. Subsurface. Placement of a pretreatment system below ground or recessed in building floor.

- ccc. Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- ddd. Tank capacity. The gallons or volume of commercial waste a transporter's vehicle has the ability to collect at any given time.
- eee. Test manhole. The last discharge point of the pretreatment system and the sampling point for the pretreatment system waste stream.
- fff. Total Kjeldahl Nitrogen. The combined amount of organic and ammonia nitrogen, usually expressed in mg/L.
- ggg. Total pump out. The complete removal of any waste generated by a waste generator stored in a pretreatment system on site.
- hhh. Transporter. A licensed person or company that collects commercial waste from commercial waste generators.
- iii. Transporter station. A licensed business in the State of Georgia used as a holding point for commercial waste before transferring to a final disposal site.
- jjj. Strip retail shopping center. A shopping center with mix use tenants and no defined food court area. Separate owners of individual businesses responsible for their own waste generated.
- kkk. User or industrial user. A source of indirect discharge.
- lll. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- mmm. Wastewater treatment plant or treatment plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

#### **Sec. 82-236. Abbreviations.**

The following abbreviations, when used in this article, shall have the designated meanings:

- a. BOD - Biochemical Oxygen Demand
- b. CFR - Code of Federal Regulations
- c. COD - Chemical Oxygen Demand
- d. EPA - U.S. Environmental Protection Agency
- e. EPD - U. S. Environmental Protection Division
- f. FOG - Fat, Oil, Grease
- g. gpd - gallons per day
- h. IU - Industrial User
- i. LGA - Local Governing Authority
- j. mg/L - milligrams per liter

- k. NPDES - National Pollutant Discharge Elimination System
- l. P - Phosphorus
- m. POTW - Publicly Owned Treatment Works
- n. RCRA - Resource Conservation and Recovery Act
- o. SIC - Standard Industrial Classification
- p. TSS - Total Suspended Solids
- q. TKN - Total Kjeldahl Nitrogen
- r. TTO - Total Toxic Organics
- s. U.S.C. - United States Code

## **Sec. 82-237. General sewer use requirements.**

### **1. Prohibited Discharge Standards**

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1). Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, per chlorates, bromates, carbides, hydrides and sulfides and any other substances which the County, EPD or EPA has identified as a hazard to the system.
  - (2). Wastewater having a pH less than 6.0 or more than 12.0, or otherwise causing corrosive structural damage to the collection system, POTW or equipment;
  - (3). Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one inch (1.0") or 2.54 centimeters (2.54 cm) in any dimension;
  - (4). Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - (5). Wastewater having a temperature greater than 150°F (65.5°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to

- exceed 104°F (40°C);
- (6). Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - (7). Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8). Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with section 82-239.3 of this article;
  - (9). Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (10). Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the County's NPDES permit;
  - (11). Wastewater containing any radioactive wastes or isotopes except in compliance with applicable or Federal regulations;
  - (12). Storm water, surface water, ground water, discharge from groundwater remediation, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
  - (13). Sludge's, screenings, or other residues from the pretreatment of industrial wastes;
  - (14). Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
  - (15). Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test. In no case shall an industry's discharge exceed a total toxic organics (TTO) concentration of 2.13 mg/L;
  - (16). Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
  - (17). Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than 100 mg/L.

- C. Storage prohibited. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## **2. National Categorical Pretreatment Standards**

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated:

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### **3. Pretreatment Standards**

The State of Georgia has not established separate pretreatment standards from the federal categorical standards but has established in-stream water quality standards which are to be used in calculating the local limits.

### **4. Local Limits**

Fulton County's local limits are tabulated in Appendix A1 – A4 and are subject to changes or revisions as may be deemed necessary by the County. Therefore the County reserves the right to revise an IU's discharge permit, to restrict volume of discharge and mass of certain pollutant previously permitted and, if necessary revoke an IU's discharge permit if such discharge would result directly or indirectly in a violation of State or Federal standards at the POTW.

### **5. County's Right of Revision**

The County reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

### **6. Dilution**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

## **Sec. 82-238. Pretreatment of wastewater**

### **1. Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 82-237(1) of this article within the time limitations specified by EPA, the, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall receive authorization from the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of this article.

### **2. Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided in accordance to the requirements outlined in section 82-251 when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand. Such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director and shall be located so that they are easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, in accordance with the requirements set forth in section 82-251.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **3. Accidental Discharge/Slug and Spill Control Plans**

At least once every two (2) years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for review and comment, before implementation of the plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;

- c. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by section 82-241 of this article; and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### **4. Hauled Wastewater**

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate section 82-237 of this article or any other requirements established by the County. The Director may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Director shall require haulers of industrial waste to obtain wastewater discharge permits in accordance with the provisions of section 82-239 of this article. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. No hauled waste from outside the boundaries of the County will be accepted.

#### **Sec. 82-239. Wastewater discharge permit.**

##### **1. Wastewater analysis**

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) calendar days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

## **2. Wastewater discharge permit required**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to section 82-239(3) of this article may continue to discharge for the time period specified therein.
- B. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permitted to the sanctions set out in sections 82-245 through 82-247 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

## **3. Wastewater discharge permitting; existing connections**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for a wastewater discharge permit in accordance with section 82-239(5) of this article, and shall not cause or allow discharges to the POTW to continue after ninety (90) calendar days of the effective date of this article except in accordance with a wastewater discharge permit issued by the Director.

## **4. Wastewater discharge permitting; new connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for a wastewater discharge permit, in accordance with section 82-238(5) of this article, must be filed at least ninety (90) calendar days prior to the date upon which any discharge will begin or recommence.

## **5. Wastewater discharge permit; application contents**

All users required to obtain a wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Director may require all users to submit as part of an application the following information:

- a. All information required by section 82-241 (1) (B) of this article;
- b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Each product produced by type, amount, process or processes, and rate of production;
- e. Type and amount of raw materials processed (average and maximum per day);
- f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- g. Time and duration of discharges; and
- h. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permits application.

## **6. Application signatories and certification**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **7. Wastewater discharge permit decisions**

Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

### **Sec. 82-240. Wastewater discharge permit issuance process.**

#### **1. Wastewater discharge permit duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### **2. Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the County in accordance with section 82-240(5) of this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this article, and Federal, State and local laws, rules, and regulations.

### **3. Wastewater discharge permit appeals**

The Director shall provide public notice, if required, of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) calendar days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Director fails to act within sixty (60) calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Fulton County within thirty (30) calendar days.

### **4. Wastewater discharge permit modification**

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the County's POTW, County personnel, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

## **5. Wastewater discharge permit transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) calendar days advance notice to the Director and the Director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the Director must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

## **6. Wastewater discharge permit revocation**

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Director of changed conditions pursuant to

- c. Section 82-241(5) of this article;  
Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the Director timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

## **7. Transfer of business ownership; effect of permit**

Wastewater discharge permits shall be voided upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

## **8. Wastewater discharge permit-re-issuance**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit by submitting a complete permit application, in accordance with Section 82-239(5) of this article, a minimum of ninety (90) calendar days prior to the expiration of the user's existing wastewater discharge permit.

## **9. Regulation of waste received from other jurisdictions**

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the County shall enter into an intergovernmental agreement with the contributing municipality.

- B. Prior to entering into an agreement required by subsection A, above, the Director shall request the following information from the contributing municipality:
- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the Director may deem necessary.
- C. An inter-governmental agreement, as required by subsection A, above, shall contain the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use article which is at least as stringent as this article and local limits which are at least as stringent as those set out in section 82-237 (1)(A), (B) and 82-237(4) of this article. The requirement shall specify that such article and limits must be revised as necessary to reflect changes made to the County's article or local limits;
  - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
  - (4) A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  - (6) Requirements for monitoring the contributing municipality's discharge;
  - (7) A provision ensuring the Director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
  - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **Sec. 82-241. Reporting requirements**

### **1. Baseline monitoring reports**

- A. Within either one hundred eighty (180) calendar days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in subsection B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 82-241(10) of this article.
    - (c) Sampling must be performed in accordance with procedures set out in section 82-241(11) of this article.

- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 82-241(2) of this article.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section 82-239(6) of this article.

## **2. Compliance schedule progress reports**

The following conditions shall apply to the compliance schedule required by section 82-241(B) (7) of this article:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months; the user shall submit a progress report to the Director no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- c. In no event shall more than nine (9) months elapse between such progress reports to the Director.

## **3. Reports on compliance with categorical pretreatment standard deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in section 82-241(B) (4-6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during

the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 82-239(6) of this article.

#### **4. Periodic compliance reports**

- A. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance of this article.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in section 82-241(11) of this article, the results of this monitoring shall be included in the report.

#### **5. Reports of changed conditions**

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) calendar days before the change.

- A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 82-239(5) of this article.
- B. The Director may issue a wastewater discharge permit under section 82-239(7) of this article or modify an existing wastewater discharge permit under section 82-240(4) of this article in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### **6. Reports of potential problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- B. Within five (5) calendar days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

## **7. Reports from unpermitted users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director.

## **8. Notice of violation/repeat sampling and reporting**

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) calendar days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

## **9. Discharge of hazardous waste**

- A. The discharge of any hazardous waste as defined under 40 CFR Part 261 is hereby prohibited without prior written authorization of the Director. Discharge of certain hazardous materials may be allowed after submitting in writing to the Director the following information: the name of the hazardous waste as set forth in 40 CFR Part 261; the EPA hazardous waste number; the type of discharge (continuous, batch or other); an estimation of the mass and concentration of such constituents in the wastestream to be discharged; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- B. Any user who receives written authorization from the Director to commence the discharge of hazardous waste shall notify the receiving POTW, the EPA Regional Waste Management Division Director and hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous

constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) calendar days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 82-241(5) of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 82-241(1), 82-241(3) and 82-241(4) of this article.

- C. Dischargers are exempt from the requirements of paragraph B, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director, and hazardous waste authorities of the discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- E. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- F. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued there under, or any applicable Federal or law.

## **10. Analytical requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

## **11. Sample collection**

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample

of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

## **12. Timing**

Written reports will be deemed to have been submitted when received on or before the required date. Submittals received by mail after this date, will be considered late even though postmarked on or before the required date.

## **13. Record keeping**

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the user has been specifically notified of a longer retention period by the Director.

## **14. Operator and lab analyst certification.**

- A. Industrial pretreatment facility operators who are working at and who remain at an industrial wastewater treatment facility on July 1, 1991, will have until July 1, 1996 to obtain either a minimum Class III Wastewater Treatment Plant Operator certificate or Industrial Wastewater Operator certificate as issued by the Georgia Board of Examiners for Certification of Water and Wastewater Treatment and Operators and Laboratory Analysts. Any uncertified operator hired after July 1, 1991 will have 12 months from the start of employment to obtain certification.
- B. Any industrial laboratory analyst who conducts certain tests, as defined by the Board of Examiners for Certification of Water and Wastewater Treatment and Operators and Laboratory Analysts, in conjunction with the operation of an industrial pretreatment facility shall obtain a certificate from said Board; provided, however, that an industrial wastewater pretreatment plant shall be required to have only one responsible analyst obtain such a certificate, and any other analyst in that facility shall be supervised by such person. Any new analyst in responsible charge who is hired after July 1, 1991 will have twelve months from the start of employment to obtain the needed certificate. Any person who has obtained or shall obtain a Class I or Class II certification by the Board as a Wastewater Treatment Plant Operators shall not be required to obtain a laboratory analyst certificate from the Board to provide services as a laboratory analyst.
- C. This certification requirement only applies to industries with Pretreatment permits. The County

will determine which level of certification is needed on a case-by-case basis.

## **Sec. 82-242. Compliance monitoring.**

### **1. Right of entry: inspection and sampling**

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least monthly to ensure their accuracy and records of calibrations shall be kept and made available to the Director upon request.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this article.

### **2. Right of Entry**

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a court order to enter the property from the Superior Court of Fulton County, or court of like jurisdiction.

## **Sec. 82-243. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law.

Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **Sec. 82-244. Publication of users in significant noncompliance.**

The Director will publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within thirty (30) calendar days after the due date, any required

reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

## **Sec. 82-245. Administrative enforcement remedies**

### **1. Notification of violation**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation. Within fifteen (15) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **2. Consent orders**

The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 82-245(4) and 82-245(5) of this article and shall be judicially enforceable.

### **3. Show Cause Hearing**

The Director may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

### **4. Compliance Orders**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer and/or water service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **5. Cease and desist orders**

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements; and
- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

## **6. Administrative fines**

- A. When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount of at least \$1,000 a day for each violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty-five percent (25%) of the unpaid balance, and interest shall accrue thereafter at a rate of two percent (2%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) calendar days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest

accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **7. Emergency suspensions**

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in section 82-245(8) of this article are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under sections 82-245(3) or 82-245(8) of this article.

## **8. Termination of discharge**

In addition to the provisions in section 82-240(6) of this article, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permits conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

- E. Violation of the pretreatment standards in section 82-237 of this article.

## **9. Notice of termination**

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 82-245(3) of this article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

## **Sec. 82-246. Judicial enforcement remedies.**

### **1. Injunctive relief**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the court or court of like jurisdiction through the County's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **2. Civil penalties**

- A. A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the County for at least \$1,000 a day for each violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **3. Criminal prosecution**

- A. A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 per violation, per day, or imprisonment for not more than 12 months, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 a day per violation or be subject to imprisonment for not more than 12 months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 12 months, or both.
- D. In the event of a second conviction, a user shall be punished by a fine of not more than \$5,000 per violation, per day, or imprisonment for not more than 12 months, or both.

### **4. Remedies nonexclusive**

The remedies provided for in this article are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

### **Sec. 82-247. Supplemental enforcement action.**

#### **1. Performance bonds**

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a

satisfactory bond, payable to the County, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

## **2. Liability insurance**

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

## **3. Water supply severance**

Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

## **4. Public nuisance**

A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance shall be subject to the applicable provisions of the Code of Law of Fulton County governing such nuisances, and may be required to reimburse the County for any costs incurred in removing, abating, or remedying said nuisance.

## **Sec. 82-248. Affirmative defenses to discharge violations.**

### **1. Prohibited discharge standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 82-237(1)(A) of this article or the specific prohibitions in sections 82-237(1)(B)(3) through 82-237(1)(B)(7) and 82-237(1)(B)(9) through 82-237(1)(B)(17) of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- b.. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the County was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

## 2. Bypass

A. For the purposes of this section,

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) calendar days before the date of the bypass, if possible.

- (2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (c) The user submitted notices as required under paragraph (C) of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the

Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

**Sec. 82-249. Wastewater treatment rates.**

The County shall operate and maintain the POTW in accordance with and federal regulations and from time to time as deemed necessary shall expand, upgrade or otherwise improve the POTW. The costs of operation, maintenance and improvements shall be born by the County, except where and/or federal funding may be available to support certain improvements. The funding for operations, maintenance, upgrades, expansions and improvements shall be collected through user fees, surcharges, connection fees and other water/sewer related charges. A fee schedule has been established by the Fulton County Board of Commissioners and is evaluated and revised from time to time to reflect actual cost of operating, maintaining and improving the POTW. A current fee schedule has been published and made available in the Fulton County Public Works Department.

**Sec. 82-250. Miscellaneous provisions.**

**1. Pretreatment charges and fees**

The County may adopt from time to time reasonable fees for reimbursement of costs of setting up and operating the County's pretreatment program which may include:

- a. Fees for wastewater discharge permit applications including the cost of processing such applications;
- b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- c. Fees for reviewing and responding to accidental discharge procedures and construction;
- d. Fees for filing appeals;
- e. Surcharge fees for higher strength wastewater for compatible pollutants;
- f. Charges for costs incurred by the County due to an industry's noncompliance which results in damages, obstructions, or any other impairment to the POTW or environment, or any expense of whatever character or nature to the County.
- g. Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the County.

**2. Industrial waste surcharge for compatible pollutants**

- A. The County, at its discretion, shall charge and assess all IU's discharging industrial strength

wastewater into the County sewerage system. The surcharge shall be in addition to any sewer service charges, for those wastes containing pollutant concentrations consistently greater than any of the following:

**DOMESTIC WASTEWATER CONCENTRATIONS:**

1) Chemical Oxygen Demand (COD)	350 mg/L
2) Total Suspended Solids (TSS)	200 mg/L
3) Phosphorous (P)	5.0 mg/L
4) Total Kjeldahl Nitrogen (TKN)	25.0 mg/L

- B. IU's subject to surcharge fees may still be required to pretreat their discharge if their discharge exceeds any of the limitations shown in Appendix A1 for other regulated pollutants or if there is insufficient capacity at the receiving POTW.
- C. The mass limits in Appendix A1 define the total mass load allocated to industry for compatible pollutants at each POTW and is based on each facility's overall design criteria minus the current and planned future domestic loading. An appropriate safety factor is already built into these figures. The difference between the total figure and the existing permitted industrial load shall be used to calculate the remaining capacity available for new industries or expansion of existing industries.
- D. Allocation of the mass based discharge parameters shall be on a first come, first serve basis and each IU shall be issued a permit allowing a monthly average and daily maximum mass discharge for each pollutant permitted. Once permitted, the mass allowed in the discharge permit is added to the total industrial inventory for the appropriate POTW, thereby reducing the remaining available capacity allowed for future industrial use. However an industry which fails to utilize a significant portion of its permitted discharge may be subject to a reduction so as not to tie up capacity that might otherwise be available to new or expanding IUs.
- E. The County shall have the right to reduce an IU's discharge permit for any parameter, for reasons including but not limited to the following: 1) operational problems or emergency at the POTW, 2) reduction in capacity at the POTW, 3) order of or federal regulatory agency, 4) failure of the industry to comply with its discharge permit, 5) failure of the IU to control surges or slug loadings, 6) failure of the industry's discharge to realize a significant portion of the mass load allocated to it.
- F. Where TKN test results are not available or feasible, the TKN shall be calculated based on the ammonia-nitrogen test (NH<sub>3</sub>) which shall be taken as sixty percent (60%) of the TKN, unless the value of the organic nitrogen component can be shown.
- G. At the County's discretion, IU's subject to surcharge may be issued discharge permits with specific limitations for flow and concentration in addition to mass of pollutants in the discharge. Application for any increase in discharge limits shall be made in writing to the County. Unauthorized increases in discharge shall be subject to enforcement actions, as outlined in section 82-245 of this document.
- H. Surcharge fees for the compatible pollutants and other fees such as may be reasonable and

appropriate shall be established and revised from time to time in the Fulton County fee schedule.

- I. Industrial surcharges shall be billed separately from other sewer service charges. Invoices will be sent either monthly or bi-monthly and payment shall be received within thirty (30) days. Payments not received within thirty days will be assessed interest at 1.5% per month. Failure to pay surcharges may result in enforcement actions as outlined in section 82-245.
- J. The amount of the surcharge, which is hereby charged and assessed against all IUs discharging industrial wastewater into the County sewerage system, shall reflect the cost incurred by the County in handling excess COD, TSS, P, and TKN. This surcharge shall include a proportionate share of charges for maintenance and operation of the water pollution control facilities including depreciation, solids handling, disposal and other incidental expenses. IU's shall also be responsible as provided in Sec. 82-250.2.H, or the cost of sampling and analysis required to determine the concentration, C, used in calculating the surcharge fees.
- K. The surcharge amount will be based on the number of pounds (lbs.) of pollutant discharged over and above domestic strength wastewater for the four compatible pollutants and shall be calculated using the following formula:

$$S = U * (C - L) * F * 8.34$$

Where:

S = the surcharge amount in dollars.

U = the unit charge (cost/lb) established in the Fulton County fee schedule for a particular pollutant (COD, TSS, P, & TKN above).

C = the concentration in milligrams per liter of the permitted pollutant, as either measured or estimated by methods approved by the County and the IU.

L = the domestic wastewater concentration limit for the surcharge pollutant (COD, TSS, P, and TKN given above).

F = the volume of flow (expressed in millions of gallons) discharged during the billing period from the IU as either measured or estimated by methods approved by the County and the IU. 8.34 = the "density" of water (lbs. per gallon).

- L. The unit cost for each pollutant shall be determined annually by the Director in order that the above factors may correctly represent current treatment and handling costs.
- M. IU's may choose to pre-treat their discharge to the domestic strength concentrations indicated above in lieu of paying surcharge fees. In such cases, design and construction of pretreatment facilities shall be reviewed, and permitted by the County and shall be subject to all other provisions of these regulations as appropriate. IU's which provide pretreatment to avoid paying surcharge fees may still be subject to surcharge fees where the pretreatment facility fails to lower pollutant levels to domestic concentrations.
- N. Industries which discharge only wastewater generated from restrooms and do not discharge

process wastewater shall be exempt from the surcharge requirements (even though their wastewater may exhibit higher than domestic concentrations for some compatible pollutants) provided they have met the following criteria:

- 1) A request is made in writing to the Director to be exempt from surcharge fees on this basis.
- 2) They provide the County with adequate documentation showing that their discharge is only connected to restroom plumbing and there is no process water in use.

## **Sec. 82-251. Commercial wastewater pretreatment.**

### **1. General provisions; non applicability to residential users**

- A. This section pertains to fat, oil and grease (FOG), grit, and any other wastes of commercial origin which may be discharged to the POTW and sanitary sewer. This section of the article shall regulate commercial waste generators only and not residential users.
- B. For the purposes of this section, wastes of commercial origin are those generated by restaurants, institution kitchens, and other food service establishments, as well as car maintenance, automobile dealerships and car/truck wash facilities. All commercial waste generators involved in the preparation of food for commercial purposes shall provide an approved fat, oil, grease (FOG) pretreatment system such as a grease trap, provided that the excess FOG is floatable and can be effectively removed. All commercial facilities with vehicle servicing or car washing will be required to provide a pretreatment system such as an oil separator and/or sand trap to remove oil waste prior to discharging to the sanitary sewer.

### **2. Pretreatment equipment installation, maintenance, and grease disposal requirements**

- A. All users involved in the preparation of food for commercial purposes shall provide approved fat, oil, grease (FOG) removal equipment such as separators or traps, if:
  - 1) The user generates a wastewater which contains greater than the quantity of FOG permitted in these regulations, and/or,
  - 2) The excess FOG is floatable and can be effectively removed in an oil/grease separator or trap, then said user shall be required to install an oil/grease separator.
- B. Oil/grease traps shall be required for commercial and industrial establishments where it has been determined by the Director that they are necessary to prevent discharge to the sewer system in quantities that may adversely affect the operation of the system.
- C. Alternative pretreatment systems include automatic waste removal equipment and shall be used only after evaluation and authorization by the Director.
- D. Commercial car and truck washing facilities which discharge to the County sewer shall

provide grit and oil removal as d elsewhere in these regulations.

- E. All oil/grease separators shall be designed and installed in accordance with County standards. The user shall submit plans to the County for review and comment. The installation shall be subject to the County's inspection prior to placing in service.
- F. Grit and oil/grease separators shall be installed in accordance to the current official plumbing code used by the County.
- G. When required by the County, the user shall install a suitable manhole on the discharge to the sewer to allow for observation, sampling and measurement of wastewaters. This manhole shall be installed at the user's expense and shall be maintained to be safe and accessible to the County at all times.
- H. It shall be a violation of these regulations when a person:
  - 1) Allows commercial waste that emits noxious or offensive odors or is unsanitary or injurious to public health or property to spill, overflow or be discharged onto public or private property.
  - 2) Allows commercial waste to be removed from a facility under his/her control except by a transporter holding a valid and current license/permit for pumping in the State of Georgia.
  - 3) Allows commercial waste generated at a facility under his/her control to be disposed of at a site not permitted by a LGA or the division.
  - 4) Allows commercial waste generated at a facility under his/her control to enter the County sewerage system which exceeds the limitations set forth in section 82-237(1)(a).

### **3. Operation and maintenance of pretreatment system**

- A. All oil/grease, and grit separators shall be maintained by the user, at the user's expense, in continually efficient operation at all times. The user shall service each separator frequently and repair as necessary, to ensure that the effluent discharge does not exceed the limits set forth in section 82-237(1) (b) of this article. The user shall maintain records of said service and make available to the Director upon request.
- B. It shall constitute a violation of this article to introduce chemicals, acidic or caustic substances which emulsify or otherwise temporarily dissolve fats, oils and grease to the extent that it later solidifies in the County sewer line, pump station or treatment plant. Use of any other substances, including enzymes and special bacteria is solely at the discretion of the user. Prior to the use of any biological products, the user shall inform the County in writing their intent to add such products to their pretreatment system.
- C. The County shall have the authority to prohibit the addition of any substance, including

enzymes and bacteria used for maintenance of a grease trap if it is discovered that said substance causes damage to or interferes with the operation or maintenance of the POTW, creates a public nuisance or odor, or presents a potential hazard to personnel.

- D. If upon inspection, it is determined that a grease trap is in need of cleaning, the only acceptable means shall be to pump out the grease for disposal as provided elsewhere in this document. Applying heavy doses of chemicals, enzymes or bacteria to the grease trap will not be allowed as a substitute for pumping and removing the material from the trap.
- E. Installation of a mechanical system to continuously or intermittently apply solutions of enzymes, special bacteria or other agents to the sewer shall not be allowed in lieu of an acceptable grease trap.

#### 4. Permits

- A. Construction permit - No portion of a pretreatment system shall be installed, repaired, altered, modified or replaced until a pretreatment construction permit has been issued by the County. A fee will be required for review of plans. Permits issued for new construction shall become void eighteen months after the date of issuance if the system has not been installed. However, if building construction has commenced, the system construction permit shall be valid for an additional ninety (90) calendar days beyond the eighteen month expiration date. Permits for system repairs shall become void after ninety (90) calendar days from the date of issuance. A construction or repair permit for a pretreatment system shall be transferred to another person if the transferee files an amended application providing all corrected information and proof of ownership of the property or tenant occupancy within sixty (60) calendar days after the transfer of ownership, and all information pertaining to the sitting, location, and installation conditions or repair of a pretreatment system remains the same. There is no fee associated with the processing to the transfer. The date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer.
- B. Construction revision permit -The applicant shall be the permit holder and shall be held responsible for all information supplied to the County. The signed application, site evaluation, and system design plans when required, serve as the basis by which the County determines the issuance of a construction permit. In the event of a change in any information given in the application which served as basis for issuing a construction permit, the permit holder will immediately file an amended application detailing such changed conditions. If the new conditions are determined to be in compliance with County engineering standards, the construction permit shall be amended. If the new conditions are determined to be in non-compliance with the County engineering standards, the permit shall no longer be valid.
- C. Commercial waste permit - Shall be required by any commercial waste generator discharging to the County sanitary sewer and POTW. The permit will be valid for one year from the date of issuance and is not transferable. The permit must be placed in a location visible to inspections. If the owner of a pretreatment system remains the same but the ownership of the building changes, a site tenant is still operating within the permit guidelines. No new building tenant shall open for business until the County has approved the change of tenancy, and inspected the pretreatment

system to see if it is still within the guidelines of the original operating permit (see section Commercial Waste Permits Issuance).

- D. Voiding a permit - If the system is improperly modified or damaged, the County shall undertake administrative action to revoke the permit. The County shall prohibit the further or continued use of a system when the permit has become void. The contractor, engineer or licensed plumber will be responsible to do a permit revision and present corrected plans for review. If a larger system is required based on project modifications another final inspection will be required once the system installation has been completed.

## **5. Pretreatment inspections**

- A. New construction - Before covering with earth and before placing a pretreatment system into service, a person/company installing or constructing any portion of a pretreatment system shall notify the County prior to completion of the construction activities and shall have the system inspected by the County for compliance with the requirements of this article. A final inspection fee will be required. The County shall make every reasonable effort to make a complete inspection of system construction, modification, replacement or alteration within two (2) working days after notification to the County that the system is ready for inspection. A repair shall be inspected by the County to determine compliance with construction permit standards prior to final covering of the system. If the system constructed is approved by the County, an "inspection approval" notice will be given to the installer. If the system installation does not pass the construction inspection, then the installer shall make all required corrections and notify the County within seven (7) calendar days for a re-inspection of the system. A re-inspection fee shall be charged to the installer for additional inspection(s) if the contractor has failed to correct the items an inspector has required at the preliminary inspection. Final installation approval shall not be granted until the County has confirmed that the installation is in compliance with plans and specifications submitted with the permit application. If no final construction inspection can be documented of the commercial waste generators pretreatment system, then the certificate of occupancy on the project will not be released.
- B. Existing pretreatment systems - The County will perform an annual inspection of all pretreatment systems permitted to operate in the County. The inspections will be conducted to make sure the commercial waste generator is following the maintenance criteria set forth in this article and the waste generator is operating under the conditions of the permit. Those facilities found in non-compliance will be required to correct all violations within seven (7) calendar days of notification. However, if the violation requires a repair, replacement or installation of a pretreatment system, then the commercial waste generator will have forty-five (45) calendar days to comply. All repairs, replacement and installations will require approval by the County.

## **6. Location and installation**

- A. Pretreatment systems will be located and installed closest to the discharge source of the commercial waste. A subsurface pretreatment system must be located or installed no more than fifty (50) feet from the discharge source. A subsurface pretreatment system installed beyond fifty (50) feet must have approval by the County.

- B. Pretreatment systems will be located and installed so that proper maintenance of the system does not create sanitary nuisances or health hazards and does not impact the environment.
- C. Pretreatment systems must be located and installed so that they are accessible for maintenance. No heavy kitchen equipment, canisters, dumpster or trash compactor can block access to the pretreatment system.
- D. Interior grease traps will be installed at the point source such as a 3-4 compartment sink, dishwasher, or any kitchen equipment where grease must be collected prior to discharge to building waste line. Interior grease traps will be located above the floor. Recessed grease traps must have prior approval for installation. All interior grease traps must have a flow control valve and a vent. The flow control valve shall be placed on the inlet side of the grease trap. The vent line will take all odors out of the building.
- E. Pretreatment systems installed and located that experience a rusting of parts (e.g. pretreatment system located under a kitchen sink) which may impair the opening of the system for inspection, will require the commercial waste generator to provide access to the system. If the commercial waste generator cannot provide access, then they will be in violation. Inspector can require the unit replaced if it has deteriorated from corrosion.
- F. Pretreatment systems installed and located to the outside of a building will discharge to the sanitary sewer line. The test manhole is the last discharge point of the pretreatment system before the sanitary sewer. The sanitary sewer connection from the pretreatment system will not be allowed to connect to the site sanitary sewer line by going under or through the building. The connection to the sanitary sewer line must be kept to the exterior of the building structure. The connection from the building to the pretreatment system will be a direct straight line. One ninety (90) or (45) degree angle will be allowed with a clean out if a straight line is not obtainable. The test manhole will be located a maximum of four (4) feet from the last tank in the pretreatment system and must have an invert in the test manhole. Prefab concrete or brick construction is allowed.
- G. All pretreatment systems installed subsurface in multi-level parking decks must be located on the ground level of the structure and must be located so they are accessible for maintenance and inspection.
- H. Installation of alternative interior pretreatment system will be allowed for commercial waste generators where an upgrade, repair, or installation of a pretreatment system is required and a subsurface system is not possible. However, the commercial waste generator must meet the following criteria for an alternative pretreatment system to be installed:
  - 1) The facility must be located in an existing building structure 15 years or older, where written documentation is submitted by a licensed engineer, contractor or master plumber to verify a subsurface pretreatment system is impossible to install due to existing under ground utilities,
  - 2) The facility is not located in new commercial development,

- 3) The facility provides written documentation by a licensed engineer, contractor or master plumber that the sanitary sewer tie in of a subsurface pretreatment cannot be reached by the installer,
  - 4) The facility's pretreatment system is found to be inadequate and an alternative system will upgrade the current pretreatment system to bring the facility into compliance.
- I. Any subsurface pretreatment system requiring installation of more than one single tank will place the tanks in tandem; one single line. The multiple tanks must be installed so the commercial waste from the building will flow from tank to tank. The distance from tank to tank will not be greater than twelve (12) inches (refer to Fulton County standard detail 671).

## **7. Design of pretreatment system**

Oil water separators grease traps, and sand traps will be required for commercial and industrial establishments as a pretreatment system where it is determined by the County that they are necessary to prevent oil and grease waste discharge to the sanitary sewer system in quantities that may adversely affect the operation of the sewer system and the County POTW. The user shall submit plans to the County for review and comment. The installation shall be subject to the County's inspection prior to placing in service.

- A. Subsurface pretreatment systems shall comply with the structural requirements as indicated on the Fulton County standard 671 or 671A and this article. All subsurface pretreatment systems must comply with the engineering standards indicated on the standard detail, as well the current plumbing code used by the County.
- B. For the sizing of pretreatment systems by specific generators source, refer to generator source charts, **Tables I and II**. Systems currently installed will not change unless the pretreatment system is found to be:
  - 1) Inadequate for the facility's current operation.
  - 2) In violation due to a commercial waste generator failing to provide documentation for maintenance of the current system and an inspection reveals an upgrade or repair is required.
  - 3) Located in a spill area and the commercial waste generator has failed to maintain the pretreatment system, which results in a fine from the County or clean up is required and an inspection reveals the current system is inadequate or in need of repair.
  - 4) Installed incorrectly and not per plumbing code used by the County or engineering standards. The existing system shall be corrected where possible. If unable to correct, then the system must be replaced.

- C. Subsurface pretreatment systems will have manhole covers over the inlet and outlet of the system (refer to standard detail 671). The concrete lid of tank will have circular openings for the placement of manhole covers. The manhole covers must be at least two (2) feet in diameter. All openings on the pretreatment system will be core drilled.
- D. Any 3000 gallon pretreatment system can be installed in (2) sections provided the center section has been sealed properly where no leakage can occur. The maximum size for any single tank installation will be 3000 gallons on commercial sites where a greater system is not required for spill containment. All 3000 gallon tanks shall have a minimum of two (2) manhole openings for access to the tanks for cleaning and inspection. The subsurface pretreatment system will be made of prefab concrete tanks or its equivalent and will be a solid continuous structure where no sealing or binding of the middle section of the tank is allowed. The tank cannot be fabricated in two (2) sections on tanks less than 1500 gallons. A baffle wall is required in the tanks and the baffle wall must be fabricated as a permanent fixture. A slide structure will not be allowed as a baffle wall. A 3"-5" diameter hole in the baffle wall must have a PVC elbow pipe turned down a maximum two (2') feet from the bottom of the tank (refer to standard detail 671).
- E. A subsurface pretreatment system will have a standard manhole suitable for observation, sampling, and measurement of wastewater. This manhole shall be installed at the user's expense and shall be maintained to be safe and accessible to the County at all times. This manhole is called the test manhole and is considered part of the overall pretreatment system (see Fulton County standard 650).
- F. Subsurface pretreatment systems installed must be certified as a grease trap or an oil water separator. A septic system will not be allowed in lieu of the required pretreatment system. Interior pretreatment systems must have PDI certification and the gallon (GPM) capacity must be labeled on the unit. To verify type and size of tank purchased, an inspector can request a copy of the invoice for the pretreatment system installed.
- G. All pretreatment systems that are subsurface will be brought to finished grade using pre-cast concrete cones. Brick work will also be allowed if the depth is no more than four (4) feet to reach grade. The depth of the pretreatment system will determine how the brick work should be built. The standard core hole in the top of a pre-cast pretreatment system lid is two (2) feet. The brick work will be three (3) feet in diameter around the core opening. The three (3) feet base will allow entry to the pretreatment system for maintenance. When using bricks, once 80% of the height has been achieved to the two (2) feet manhole opening, you must corbel in the brickwork in small increments (see Fulton County standard 650).

- H. An alternative interior pretreatment system shall be used only after evaluation and authorization by the County. Any alternative pretreatment system unit authorized by the County for use must have product support for maintenance and operation of the system. The equipment must be available for sale and the supply must be readily available for installation. The use of an alternative system will require established procedures for routine maintenance, operational surveillance, and environmental monitoring to assure the system continues to function properly. Any fees incurred for quality assurance of this unit will be the total responsibility of the commercial waste generator. The sizing of the grease trap will be based on the manufacturer's recommendations, but it must be equivalent to a subsurface pretreatment system gallon capacity where required.
- I. A grease trap is used for the collection of kitchen waste discharge only. No can wash areas, no dumpster, no mop sinks, no food grinders and no floor drains in mechanical rooms, bathrooms, or discharge from food coolers. Commercial waste generators that have micro-brewery facilities may be subject to additional discharge requirements (see **Appendix B3 Food Service Piping Layout**).
- J. Installation of a mechanical system to continuously or intermittently apply solutions of enzymes, special bacteria or other agents to the sewer shall not be allowed in lieu of an acceptable pretreatment system.
- K. It shall constitute a violation of this article to introduce chemicals, acidic or caustic substances which emulsify or otherwise temporarily dissolve fats, oils and grease to the extent that is later solidifies in the County sewer lines, pump stations, or POTW. If a commercial waste generator uses enzymes and bacteria for pretreatment maintenance and it is discovered that said substances causes damage to or interferes with the operation or maintenance of POTW, creates a public nuisance or odor, or presents a potential health hazard, then these additives will be prohibited. Use of any other substances, including special enzymes and bacteria is solely at the discretion of the commercial waste generator.
- L. Grit, sand traps and oil water separators shall be installed in accordance to the current official plumbing code used by the County engineering standards (refer to the commercial waste generator source Table II in this article).
- M. Any strip retail shopping center or office building showing subsurface pretreatment systems at designated buildings or structures will only be allowed discharge by a single tenant or food service to that system. No multiple users will be allowed. The only exception to this condition is a shopping mall with a food court where pretreatment systems are installed and maintained by the mall corporation or management leasing.

## **8. Maintenance of pretreatment systems**

- A. Pretreatment systems shall be maintained by the commercial waste generator at their expense, to assure continually efficient operation at all times. The commercial waste generator shall maintain records of

said service and make available all records to the County upon request (refer to the manifest section of this article). The commercial waste generator must service their pretreatment system frequently or repair their system to maintain the following:

- (1) a 25% tank retention capacity rule (**see explanation below**)\*
- (2) a top sludge cap less than 2' in tank
- (3) a suspended solids content of less than 2' on the bottom of tank
- (4) a pretreatment system able to maintain a daily discharge limit of 250 mg/l to sanitary sewer
- (5) a pretreatment system where no sludge deposits of grease or oil waste accumulate in a test manhole or create a grease/oil waste stream to the sanitary sewer
- (6) a pretreatment system that does not create any obnoxious odors and poses no threat to public health and welfare
- (7) a pretreatment system that does not cause back-ups to kitchen sinks or any interior kitchen or building plumbing
- (8) a pretreatment system that causes no manhole overflows no accumulation of oil/grease in the County sanitary sewer system, or affects the water quality of the County's POTW facilities

B. The following maintenance schedule shall be required for pretreatment systems operating in the County:

**(1) Subsurface systems (grease trap, oil water separator, sand trap)**

<b>Gallon Capacity</b>	<b>Maintenance Required</b>	<b>Time Period</b>
1 X 50-200	Total Pump – Out	Every 3 months
1 X 1000 -1500	Total Pump – Out	Every 3 months
2-4 X 1500	Total Pump – Out	Every 6 months
1 X 3000	Total Pump – Out	Every 6 months

**(2) Interior systems (grease trap, oil separator, sand trap)**

40 lb	Total Pump – Out	Monthly
70 lb.-100 lb	Total Pump – Out	Every 3 months

**(3) Automatic grease recovery systems (grease trap)**

25-35GPM	Daily maintenance of solids container	Total pump out of unit to remove solids.
	Check system weekly	Every 3 months to make sure system is operating correctly.

- \* The 25% percent rule requires that the depth of oil and grease (floating and settled) in a trap shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of the trap is determined by measuring the internal depth of the tank. If the tank is measured with more than 2 feet of floating top solids or more than 2 feet of settled solids, the tank is in violation.

Commercial pretreatment inspectors shall have the authority to adjust any facility's maintenance schedule if upon inspection it is determined the maintenance schedule of the pretreatment system is not controlling the discharge of grease/oil waste to the sanitary sewer.

- C. New commercial waste generators that are permitted for new pretreatment installation shall be required to provide the County with a notarized statement for the maintenance of their pretreatment system based on the maintenance schedule stated in this article.
- D. Commercial waste generators located in an area that have experienced a spill where a County sanitary sewer system has been impacted or a manhole has overflowed due to grease/oil accumulation must provide the County with a maintenance schedule to prevent this from occurring again. If the maintenance schedule is found to be inadequate or does not adhere to the maintenance schedule required by the County for that specific pretreatment system, the County shall have the right to amend that commercial waste generators' maintenance schedule to control any further commercial waste discharge that could impact the sanitary sewer system, manhole or pretreatment system.
- E. Any commercial waste generator(s) found to be in violation for failure to maintain their pretreatment system in a spill area shall be assessed one half the cost for clean up and/or fined by the County due to commercial waste impacting the environment or sanitary sewer system. Additional fines may be imposed by the State.
- F. Any commercial waste generator found not adhering to any maintenance standards as established by this article will be in violation.
- G. Any commercial waste generator requesting a deviation from a pretreatment system maintenance schedule as stated in this article shall submit their request in writing. The written request must include documentation that verifies that the pretreatment system has been operating within the guidelines for a year as stated in section 82-251 (8) (a) and the modification of the maintenance schedule will not change the compliance status of the pretreatment system.
- H. A commercial waste generator who operates a food service in their establishment, but the food service is not considered their main business income will be required to cease their food operation if they violate any parts of this article. Once the generator has come into compliance the food service operation can resume.

## **9. Manifests for commercial waste disposal**

- A. A commercial waste generator shall not allow a transporter to remove waste from their facility without a current commercial waste hauler permit issued by the State or local governing authority. In addition they:
- 1) Shall not permit a transporter to remove commercial waste from his premises until the transporter has presented a non-hazardous manifest to the generator to document pumping activity. This manifest will require signatures from the generator, transporter and disposer in order to maintain and establish accountability. The manifest should be a multi-copy form.
  - 2) Shall ensure the manifest form used to document the transportation and disposal of commercial waste generated in the County contains the following information as a minimum:
    - (a) Generator information
      - Name and physical address of facility
      - Volume of waste pumped
      - Date and time of pumping activity
      - Signature of Authorized Representative
      - Print Name
    - (b) Transporter information
      - Name and physical address of company
      - County or issued commercial waste FOG permit
      - Driver certification number
      - Volume of waste pumped
      - Name and signature of driver
      - Print name
    - (c) Disposer information
      - Name and physical address of facility
      - State, County, city or Federal permit number of site
      - Volume of waste received
      - Signature of authorized representative
      - Print name
  - 3) Upon receipt of the completed copy of the manifest from the transporter, the generator must mail a copy of the manifest within five (5) days to the following:

**FULTON COUNTY  
DEPARTMENT OF PUBLIC WORKS  
WATER SERVICES DIVISION  
1030 MARIETTA HWY.  
ROSWELL, GEORGIA 30075  
ATTN: PRETREATMENT INSPECTORS**

- 4) Shall accurately complete and sign the generator information section of the manifest to ensure that the transporter has noted on the manifest, the number of gallons of waste removed; and verify the generator information is correct.
- 5) Shall keep a copy of all manifests for a period of three (3) years on site and shall make available for inspection by the County.
- 6) Shall report any spills to the County upon becoming aware of a spill that could impact any surrounding areas such as storm drains, adjacent streams or ground surface where the transporter has removed waste from the facility's pretreatment system. Failure to notify the County of a spill will constitute a violation and fines will be assessed to the commercial waste generator as well as the transporter.

#### **10. Commercial Waste Permit Issuance**

An annual permit will be required for all pretreatment systems existing and new. A fee will be charged for this permit. The permit fee will be based on the type of pretreatment system at the site. Failure to apply for a commercial waste permit shall be a violation. The generator's Environmental Health Department food service permit may be suspended until the permit is obtained.

- 1) All commercial waste permits shall be issued annually from January 1 – March 31. Any existing facility obtaining a permit after March 31<sup>st</sup> will be charged a 25% penalty fee. A new facility opening after the annual permit period will not pay a penalty unless it has been determined that the facility has been opened for more than (30) days. The 25% penalty fee shall apply. A new facility applying for a commercial waste permit after the permitting period will not pay a prorated fee. The following fee schedule details the cost of an annual permit based on type of pretreatment system.

#### **Annual Permit Fee Schedule per Facility**

<b><u>Pretreatment Size</u></b>	<b><u>Type</u></b>	<b><u>Cost \$</u></b>
1-5 Tanks	Subsurface System (exterior)	250.00
6-10 Tanks	Subsurface System (exterior)	500.00
11-15 Tanks	Subsurface System (exterior)	750.00
10-100 pounds (1-2 units)	Manual (Interior)	75.00
20-35 GPM (1-2 units)	Automatic Grease Recovery	75.00
Combination of Systems	Subsurface, Manual & Automatic Grease Recovery	150.00 to 900.00

2) Permit conditions shall include, but are not limited to the following:

- a) Permit duration
- b) Permit fee
- c) Permit transfer
- d) Frequency of inspections
- e) Pretreatment requirements
- f) Maintenance requirements
- g) Compliance schedules
- h) Requirements for maintenance records & submission of reports
- i) Right of Entry
- j) Review of upgrades or repairs of a pretreatment system
- k) Other conditions deemed necessary to ensure compliance with this article or other applicable ordinance, laws, and regulations.

## **11. Abandonment of systems**

A. Wherever the use of a subsurface pretreatment system is discontinued due to a business closing or relocating, and the system is connected to the sanitary sewer, the commercial waste generator shall follow the following procedure:

- 1) Contact the Commercial Pretreatment Inspection group (770) 641-6700 (phone number) before vacating the property.
- 2) Resolve all outstanding violations.
- 3) Clean the pretreatment system before vacating the business and submit a manifest to the County to substantiate the cleaning of the system.

B. If the commercial waste generator fails to clean the pretreatment system and/or resolve outstanding violations it shall be considered a violation of this article. Management or property leasing will be notified. No commercial waste generator shall be allowed to occupy the facility until it is brought into compliance. If the existing pretreatment system is not adequate based on the new business operation, then the new commercial waste generator shall upgrade the

pretreatment system. If the building or tenant space vacated will not be used for another commercial waste generator, then management leasing or the building owner shall follow the following tank abandonment procedures;

- 1) Collapse tank or fill pretreatment system with sand.
- 2) Seal over manholes so they are no longer accessible.
- 3) Disconnect or reroute the kitchen waste line from the building to the pretreatment system.
- 4) Contact the County to inspect the abandoned system prior to a new business opening.

## **12. Construction prohibitions**

It shall be the responsibility of persons under this rule to see that work contracted for and performed by them or under their supervision is carried out in conformance with the requirements of the County engineering standards and this article. Persons contracted for installation of pretreatment systems must be a licensed contractor or master plumber in the State of Georgia and their license must be current. Inspectors shall have the authority to request a copy of the license when approving all pretreatment system installations.

### **13. Construction violations**

The following will constitute a construction violation:

- a. No contractor shall construct, alter, modify, repair, or install a pretreatment system Without receiving a permit from the County;
- b. No contractor shall install, modify or repair a pretreatment system which will violate standards set forth in this article, without evidence that a variance has been granted;
- c. No contractor shall perform services which will cause or increase the likelihood of pollution to sanitary sewer, storm drains or POTW and pose a threat to the health and safety of the public;
- d. Each contractor shall be responsible for maintaining records of services as required by this article and provide a copy of those records to the County upon request. Example of this would be an invoice verifying the purchase of the pretreatment system;
- e. Contractor initiating work to install, upgrade, or repair a system where no permit has been issued by the County. A permit is issued after construction is started but prior to completion of the contracted work. No site inspections performed;
- f. Contracted work is completed without a permit having been issued, or no permit application was received until contracted work was completed, resulting in missed inspection(s);
- g. Failure to call for required inspection(s);
- h. Abandoning, without good cause, a project in which the contractor is engaged or is under contractual obligation to perform. The failure of a contractor to perform work without just cause for ninety (90) consecutive days shall create a presumption that the contractor has abandoned the project;
- I. Gross negligence, incompetence, or misconduct which: causes monetary or other harm to a customer, or physical harm to any person. Example of such a violation would be the illegal disposal of a generator's waste when repairing a pretreatment system.
- j. Pretreatment system is not installed by a license contractor or master plumber.

### **14. Notification of violation**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a commercial waste permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation. Within fifteen (15) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

## **15. Violations and penalties**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a commercial waste permit or any order issued hereunder, or any other pretreatment standard or Requirement, the Director may issue a citation to such user in an amount not to exceed one thousand Dollars (\$1000) for each violation and each day a violation continues, shall constitutes a separate Offense and shall be punished accordingly.

- A. Unpaid citations shall after thirty (30) calendar days, be assessed an additional penalty of twenty-five percent (25%). Failure by generator to pay designated citation thirty (30) business days after citation has been issued shall result in the revocation of the generator's commercial waste permit.
- B. Issuance of a citation shall not be a bar against, or a prerequisite for, taking any other action.
- C. The following shall be considered violations of this article and the responsible person or company will be assessed fines accordingly:
  - 1) A licensed contractor, engineer or plumber who installs, modifies, or repairs a pretreatment system without a pretreatment permit, or is working on the installation of a pretreatment system, and obtains a permit after work has commenced. No inspections performed.
  - 2) Commercial waste generator who has a pretreatment system installed without submitting plans for review; no permit application is received or on file and installation of system is completed. No final inspections of project performed.
  - 3) Failure to call for required inspection(s) when a renovation or upgrade of a pretreatment system is required.
  - 4) Commercial waste generator is in violation for failure to maintain their pretreatment system.

- 5) Commercial waste generator fails to provide the County with a manifest or maintenance documentation for their pretreatment system.
- 6) Commercial waste generator fails to inform the County a spill has occurred during pumping of a pretreatment system and it impacts the sanitary sewer, storm drain or environment.
- 7) Commercial waste generator fails to apply for the required commercial waste permit for a pretreatment system in the County.

D. Any violations do not negate their existence. The County shall have the right to use other laws that may be applicable when determining violations.

## **16. Citations and administrative appeal**

### **A. Citations**

- 1) Citations shall be issued when the commercial waste generator fails to correct the same violation after a Notice of Violation has been issued and the commercial waste generator demonstrates willful neglect or non-compliance with this article. Any citations issued will be required to be paid in thirty (30) calendar days from the day of issuance. A citation must be in writing and must describe the particular nature of the violation, including specific references to the provisions of this article violated and the time frame for correction. Refusal of the citation will not negate its issuance.

### **B. Administrative appeal:**

- (1) Generators desiring to dispute citations must file a written request for the Director to reconsider the citation along with full payment of the citation amount within fifteen (15) calendar days of citation issuance. Where a request has merit, the Director may convene a hearing on the matter. If the citation has been paid and the Director rules in favor of the generator, all money shall be returned to the generator. If the recipient fails to execute their right to contest the citation, the County will conclude the recipient has waived their right and they must pay the initial citation fine and/or the maximum fine.
- 2) The County may reduce or waive the fine imposed by the citation after consideration of the gravity of the violation, the person's attempts at correcting the violation and the commercial waste generator's history of previous violations. However, violations that occur due to a spill or illegally discharging to the County sanitary sewer system will not be waived or reduced.

## **Sec. 82-252. Commercial waste transportation.**

This section of the article provides regulations for the transporting of commercial waste in the County. Any transporter found in violation of any section of this article shall be subject to a penalty not to exceed \$2,500 per violation.

## **1. General requirements for transporters**

- A. No person shall vacuum or pump grease traps, sand traps, oil water separators or grit traps for the purpose of transporting commercial waste to a disposal site without a valid commercial waste hauler permit by a local governing authority in Georgia.
- B. Transporters of liquid waste shall use only those disposal sites meeting the State, Federal or County licensing and permit requirements to receive such waste.
- C. A transporter shall not commingle hazardous waste with liquid waste or chemical toilet waste, or commingle grease waste with septic waste.
- D. A transporter must remove the entire contents of any tank or pretreatment system that is serviced.
- E. A transporter shall not dispose of liquid waste or chemical toilet waste into grease traps, grit traps, sand traps, septic tanks, POTW, sanitary and storm drains.

## **2. General requirements for transporters with disposal sites**

- A. A transporter owning its own disposal site and operating under the same company name will be required to supply the County with a monthly report of all facilities pumped. This report will be in addition to the non-hazardous liquid waste manifest required for waste generators. This requirement is only for those person (s) companies performing (2) services under a single company name where they are considered the transporter and the disposer. The report will be due on the 10<sup>th</sup> day of every month to the regulating authority for all those facilities serviced by the transporter serviced in the County.
- B. A person/company that owns, operates or is in control of a disposal site receiving liquid waste in the State of Georgia must provide following:
  - 1) A manifest accurately completed and signed in the disposal section to the transporter.
  - 2) Maintain the manifests for a period of three (3) years and make all records available for inspection by the County upon request.

## **3. Manifests**

There is hereby created a manifest system consisting of a multi-part non-hazardous waste manifest, which shall be used to document the generation, transportation and disposal of liquid waste generated in the County. See section 82-251(9) for the required information for a manifest document.

A manifest shall be used a follows:

- a. A transporter shall utilize a manifest for each location serviced; shall present the manifest to the generator to complete and sign the generator's section; shall present the manifest to the disposer to complete and sign the disposers' section of the manifest.
- b. The transporter and generator shall sign their designated sections of the manifest.
- c. The transporter shall leave the first part of the manifest with the generator.
- d. The disposer shall sign the manifest at the time of waste disposal from the transporter.
- e. The transporter shall leave a copy of the manifest with the disposer.
- f. The transporter shall keep a copy of the completed manifest for three (3) years and shall make it available for inspection by the designated person(s) of the Director. The transporter shall also maintain a maximum of (30 days) of manifests on their vehicle.
- g. The transporter shall deliver to the waste generator, a completed manifest with all required signatures thirty (30) calendar days after pumping activity has occurred.

#### **4. Transporter commercial waste permit**

- A. A person/company that transports commercial waste is required to register with the State of Georgia to receive a registration number before applying for a transporter permit. The registration shall be a one time occurrence. The charge for the transporter permit shall be \$250 for the first truck and \$100 for each additional truck payable to the local governing authority or the State. The transporter permit is renewed annually.
- B. A transporter's permit shall be current and a copy shall be provided to the County prior to performing all pumping activity, if the permit was not obtained in the County.
- C. The transporter's pumping privileges shall be suspended in Fulton County if the transporter has continuous violations of this article or regulations and the transporter has failed to pay any fines as the result of violations that have occurred. The suspension shall last for the permit year. If the transporter has not resolved all violations prior to the next permit year, the suspension shall continue. The County shall notify the State of the enforcement action taken against the transporter.
- D. The transporter only needs to obtain (1) commercial waste permit for wide pumping from a local governing authority (LGA).

#### **5. Transporter violations**

- A. Illegally discharging liquid waste of chemical toilet waste to grease traps, grit traps, sand traps, septic tanks, POTW, sanitary sewer and storm drains.
- B. Falsifying manifest documentation to generator, disposal site and local governing authority.

- C. A direct cause of a major or minor spill due to illegally discharging to the sanitary sewer or storm drains.
- D. A transporter pumping non-hazardous liquid waste without a current commercial waste permit or registration.
- E. A transporter trunk leaking non-hazardous commercial waste on streets, highways and ground areas that pose a threat to the public health and welfare.
- F. A transporter service involved in illegal business practices that causes harm to the generator, monetary or otherwise (example: charging for pumping but not actually performing service).
- G. A transporter company or individual fails to provide the customer or County with the required pumping documentation.
- H. A transporter company or an individual that impacts the environment while pumping a generators' pretreatment system, however impact does not classify as a spill, but creates waste residue during a pumping activity and waste is visible on ground surface. If the transporter fails to clean up waste so it does not impact storm drainage areas or the environment, then this shall constitute a violation.
- I. It shall be a violation for a commercial waste hauler to violate the rule listed under Department of Natural Resources; section 391.3-6-.24 that regulates the transporting of commercial waste in the of Georgia.

**6. Administrative Appeal:** see section 82-251 (16) (B) for citations issued due to a violation.

## **7. Responsibility of corporations or associations**

- A. In addition to prohibiting certain conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of his or her office of employment.
- B. Any person, operator or owner who shall violate any provision of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed \$2,500 for each violation.
- C. Any person found to be guilty of violating provisions of this article shall become liable to the County for any expense, loss, or damage incurred by the County for the purpose of clean-up and disposal of waste illegally dumped or discharged which impacts the County environmentally. An administrative fee equal to one-half (1/2) of the assessed clean up and costs shall be levied by the County against the guilty person, association or corporation.

**Sec. 82-252. Enforcement of other laws, rules, or regulations not limited.**

Nothing in this article shall limit the authority of any, local agency, or departments of the County to enforce any other laws, rules, regulations, or ordinances relating to water or sewer services.

**Sec. 82-253. Effect on other duly enacted ordinances, rules and resolutions.**

Nothing in this article is intended to repeal any other duly enacted ordinance, resolution, or parts of ordinances or resolutions of the County, except where such ordinance, resolution, or parts of ordinances or resolutions are in direct conflict with this article. Any such repeal under this section shall be to the extent of such conflict only and no further.

**Sec. 82-254. Inclusion in Code of Ordinances.**

The provisions of this article shall be included and incorporated within the Code of Laws of Fulton County, and may hereafter be numbered and re-lettered to accommodate this inclusion.

**Sec. 82-255. Severability.**

In the event any section, subsection, sentence, clause, or phrase of this article is declared or adjudged to be unconstitutional, or otherwise contrary to law, such adjudication shall in no manner affect any other section, subsection, sentence, clause, or phrase, which shall remain in full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

**Sec. 82-256. Effective date.**

This Resolution and code amendment shall become effective upon its adoption, and that all resolutions and code priorities in conflict with this Resolution and Code amendment are repealed to the extent of the conflict.

**SO PASSED AND ADOPTED** this 15 day of November, 2006.

By:   
John H. Eaves, Chairman  
District 1, At Large

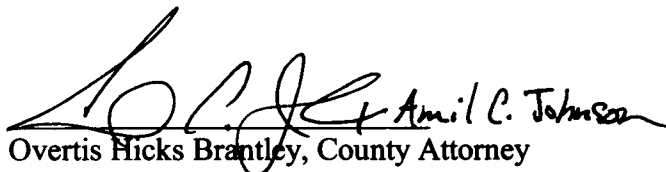
ITEM # 06-1167 RCS 11/15/06  
RECESS MEETING

ATTEST:

  
Mark Massey,  
Clerk to the Commission

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
Overtis Hicks Brantley, County Attorney

  
Angela Parker, Director of Public Works

**Appendix A1**  
**Local Limits: North Fulton County Industrial Pretreatment Limits**  
**Big Creek and John's Creek WRP's**

**Industrial Discharge Limits**

<b>Limits = mg/L</b>	<b>Maximum</b>	<b>Monthly</b>
<b>Pollutant</b>	<b>Daily Limits</b>	<b>Average Limits</b>
Arsenic	0.03	0.03
Barium	3.8	3.2
Cadmium	0.097	0.083
Chromium	0.414	0.352
Copper	0.109	0.109
Lead	0.116	0.116
Mercury	0.0021	0.0021
Nickel	2.47	2.1
Selenium	0.093	0.079
Silver	0.11	0.11
Zinc	0.21	0.21
Cyanide	0.219	0.186
Phenol	48.6	41.3
BOD(Plant Influent)	176	150
TSS	181	154
Ammonia-Nitrogen	19	14
TKN	50	25
COD	415	353
Phosphorus	6	5
Standard unit	6-9	6-9
Oil & Grease	250	100

**Appendix A2: South Fulton County Industrial Pretreatment Limits**  
**Camp Creek WRP**

**Industrial Discharge Limits, mg/L**

<b>Pollutant</b>	<b>Maximum Daily Limits</b>	<b>Monthly Average Limits</b>
	<b>Mg/L</b>	<b>mg/L</b>
Arsenic	0.06	0.05
Barium	4.1	3.1
Cadmium	0.015	0.011
Chromium	0.06	0.045
Copper	0.11	0.11
Lead	0.116	0.116
Mercury	0.0021	0.0021

Molybdenum	0.0223	0.0168
Nickel	1.74	1.31

Pollutant	Maximum Daily Limits	Monthly Average Limits
	Mg/L	mg/L
Selenium	0.089	0.067
Silver	0.20	0.15
Zinc	0.21	0.21
Cyanide	0.082	0.082
Phenol	31.4	23.2
BOD(Plant Influent)	300	225
TSS	286	215
Ammonia-Nitrogen	12	9
TKN	50	25
COD	591	443
Phosphorus	7	5
Standard unit	6-9	---
Oil & Grease	250	100

### Appendix A 3: Organics Discharge Limits Based on Fume Toxicity

Parameter	Maximum Allowable Concentration, mg/L
Benzene	0.01
Bromomethane	0.002
Carbon Disulfide	0.06
Carbon Tetrachloride	0.03
Chlorobenzene	2.35
Chloroethane	0.42
Chloroform	0.42
Chloromethane	0.007
1, 2-Dichlorobenzene	3.74
1, 4- Dichlorobenzene	3.54
1, 1-Dichlorobenzene	4.58
Trans-1, 2-Dichloroethylene	0.28
1, 2-Dichloropropane	3.65
1, 3-Dichloropropane	0.09
Ethyl Benzene	1.59
Ethylene Dichloride	1.05
Formaldehyde	0.07

Hexachloro-1, 3-Butadiene	0.0002
Hexachloroethane	0.96
Methyl Ethyl Ketone	0.01
Methylene Chloride	4.15
Toluene	1.35
1, 2, 4-Trichlorobenzene	0.43
1, 1, 1-Trichloroethane	1.55
Trichloroethylene	0.71
Trichlorofluoromethane	1.22
Vinyl Chloride	0.003
1, 1-Dichloroethylene	

0.003

Aroclor 1242 0.01

Aroclor 1254 0.005

The maximum levels listed above are based on fume toxicity standards from the EPA "Guidance Manual on the Development and Implementation of Local Discharge Limits under the Pretreatment Program", December 1987.

#### Appendix A 4: Combined Waste Formula

##### Combined Waste stream Formula

Alternative limit calculation; for the purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period.

Alternative concentration limit:

$$C_T = \left( \frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left( \frac{F_T - F_D}{F_T} \right)$$

$C_T$  = the alternative concentration limit for the combined waste stream.

$C_i$  = the categorical Pretreatment Standard concentration limit for a pollutant in the regulated stream I.

$F_i$  = the average daily flow of the stream I to the extent that it is regulated for such pollutant.

$F_D$  = the average daily flow from (a) Boiler blow down streams, non-contact cooling streams, storm water streams, (b) sanitary waste streams, (c) process waste streams exempted from Categorical Pretreatment Standards.

$F_T$  = the average daily flow through the combined treatment facility (includes  $F_i$ ,  $F_D$ , and unregulated streams).

$N$  = the total number of regulated streams.

Alternative mass limit:

$M_T$  = the alternative mass limit for a pollutant in the combined waste stream.

$M_i$  = the categorical Pretreatment Standard mass limit for a pollutant in the regulated stream I (the categorical pretreatment mass limit multiplied

by the appropriate measure of production).

$$M_T = \left( \sum_{i=1}^N M_i \right) \left( \frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

$F_i$  = the average flow of stream  $i$  to the extent that it is regulated for such pollutant.

$F_D$  = the average daily flow through the combined treatment facility (includes  $F_i$ ,  $F_D$ , and unregulated streams).

$N$  = the total number of regulated streams.

#### Appendix A5: Groundwater Remediation Criteria

##### Discharge Limits For gasoline contaminated sites (BTEX)

Benzene	20 ppb
Toluene	200 ppb
Ethybenzene	70 ppb
Xylene (all three)	1000 ppb

For sites contaminated by petroleum, other than gasoline, such as diesel, kerosene or waste oil, the discharge shall meet the BTEX limits above and the limits for the polynuclear aromatics (PAHs) given below.

Naphthalene	5 ppb
Lead	5 ppb
pH range	6.0 - 12.0
Total Petroleum Hydrocarbons (TPH, diesel sites only)	1 ppb

#### APPENDIX B1 Minimum Treatment Requirements for Commercial Facilities

**Generator Source Chart – Food Service  
Table I**

<b>Generators/Source</b>	<b>Threats to Sewerage System</b>	<b>Minimum Treatment Requirements</b>
Bakery (cooking cakes, cookies, pies)	Grease, Flour, Solids	Grease Trap 1000 gal. minimum
Butcher	Grease, Solids	Grease Trap 1000 gal. minimum capacity. Waste from meat products.
Caterer	Grease	Grease Trap 1000 gal. minimum capacity
Chicken (BBQ/Charcoal cooking on site)	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Chicken (fresh) retail only, with meat cutting and preparation of fresh meat	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Church (hot foods cooked and served) Commercial kitchen	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Coffee/Sandwich Shop (no foods prepared)	Waste from by products, cream and milk	Grease Trap 40lb. minimum capacity
Coffee/Sandwich Shop (hot foods cooked and served)	Grease	Grease Trap     0 – 66 seats 1000 gal. 67 – 100 seats 1500 gal. 101 – 129 seats 2000 gal.
Commercial Kitchen (Caterer)	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Community Halls, Country Club (hot food cooked and served)	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Correctional Institution (Jail)	Grease	Grease Trap 100–200 meals – 1000 gal. 201-300 meals – 1500 gal. 301-400 meals – 2000 gal. 401-600 meals – 3000 gal. 601-800 meals – 4000 gal. 801-900 meals – 4500 gal. 901-1200 meals – 6000 gal.
Daycare/Preschool Centers (no hot food prepared; all food reheated in micro-wave, no commercial kitchen.)	Waste from clean-up	Grease Trap 40lb. minimum capacity
Daycare/Preschool Centers (hot food prepared; commercial kitchen)	Grease	Grease Trap 1000 gal. minimum capacity
Delicatessen (hot food cooked)	Grease	Grease Trap 1000 gal. minimum capacity
Delicatessen (no ht food served , no meat cooked)	Waste from clean-up Cold foods, salads	Grease Trap 40 lb. minimum capacity
Doughnut Shop ( retail only)	None	Written declaration required that no hot food will be prepared or served.
Doughnut Shop (cooking on site)	Grease	Grease Trap 1000 gal. minimum capacity
Fast Food Outlets (e.g. McDonald's Pizza Hut, Arby's, KFC)	Grease, Solids	Grease Trap 1500 gal. minimum capacity
Fish Shop (retail) no cooking on site	Scales, Fish guts	Grease Trap 70lb. minimum capacity
Fish Shop (cooking on site)	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Gas Station with food Service( fast food outlets	Grease	Grease Trap 1500 gal. minimum capacity
Gas Stations with food service (sandwich shop, no hot food preparation)	Grease	Grease Trap 40 lb. minimum capacity Waste from clean-up and handling area.
Grocery Store (no food service, no cooking on site)	Grease, Solids	Grease Trap 1500 gal. minimum capacity. Waste from meat product handling area
Grocery Store ( full service store, food preparation; franchise food outlet in store)	Grease, Solids	Grease Trap 3000 gal. minimum capacity

<b>Generators/Source</b>	<b>Threats to Sewerage System</b>	<b>Minimum Treatment Requirements</b>
Hospital Kitchen	Grease	Grease Trap 1500 gal. minimum capacity
Hotel with restaurant (hot foods cooked and served)	Grease	Grease Trap 0 – 66 seats 1000 gal. 67 – 100 seats 1500 gal. 101 – 129 seats 2000 gal. 130 – 199 seats 3000 gal. 200 – 299 seats 4500 gal.
Hotel ( reheating food in microwave; continental breakfast; kitchen equipment limited)	Waste from clean-up	Grease Trap 40 lb. minimum capacity
Hotel ( no cooking on site; no hot foods served)	None	Written declaration required that no hot food will be prepared or served.
Ice Cream Shop ( with hot food service) (making ice cream on site)	Grease	Grease Trap 1000 gal minimum capacity
Movie Theater (with food service, reheat in microwave)	Waste from clean-up	Grease Trap 40 lb. minimum capacity
Nightclub /Multi-entertainment Complex	Grease	Grease Trap 0 – 66 seats 1000 gal. 67 – 100 seats 1500 gal. 101 – 129 seats 2000 gal. 130 – 199 seats 3000 gal. 200 – 299 seats 4500 gal.
Nursing Home, Assisted Living Care Facility ( with full service kitchen)	Grease, Solids	Grease Trap 0 – 69 beds 1000 gal. 70 – 150 beds 1500 gal.
Office Complex ( food service on site)	Grease, Solids	Grease trap determined by tenant occupant
Pizza Cooking ( take away/home delivery)	Grease	Grease Trap 1000 gal. minimum capacity
Pizza Cooking ( reheating) no preparation or washing up on site; pizza heated in retail container and sold for consumption	None	Written declaration required that no hot food will be prepared or served.
Recreation Center ( hot food preparation ) e.g. bowling alley, skating rink	Grease, Solids	Grease Trap 1000 gal. minimum capacity
Restaurant	Grease, Solids	Grease Trap 0 – 66 seats 1000 gal. 67 – 100 seats 1500 gal. 101 – 129 seats 2000 gal. 130 – 199 seats 3000 gal. 200 – 299 seats 4500 gal. 300 – 399 seats 6000 gal.
School Cafeteria**	Grease, Solids	Grease Trap 100–200 meals – 1000 gal. 201–300 meals – 1500 gal. 301–400 meals – 2000 gal. 401–600 meals – 3000 gal. 601–800 meals – 4000 gal. 801–900 meals – 4500 gal. 901–1200 meals – 6000 gal.
Shopping Center- Mall ( food court)	Grease, Solids	Grease Trap 0 – 66 seats 1000 gal. 67 – 100 seats 1500 gal. 101 – 129 seats 2000 gal. 130 – 199 seats 3000 gal. 200 – 299 seats 4500 gal. 300 – 399 seats 6000 gal.
Shopping Centers ( retail strip mall)	Grease, Solids	Grease trap determined by tenant, type of food service.
Take-Out Food Service ( hot preparation)	Grease	Grease Trap 1000 gal. minimum capacity
Take-Out Food Service ( cold food preparation)	Waste from clean-up	Grease Trap 40 lb. minimum capacity

\* Wherever an exterior grease trap is required but installation is not possible, an interior pretreatment system shall be installed that equals or exceeds the minimum. Alternate system shall be approved by the County.

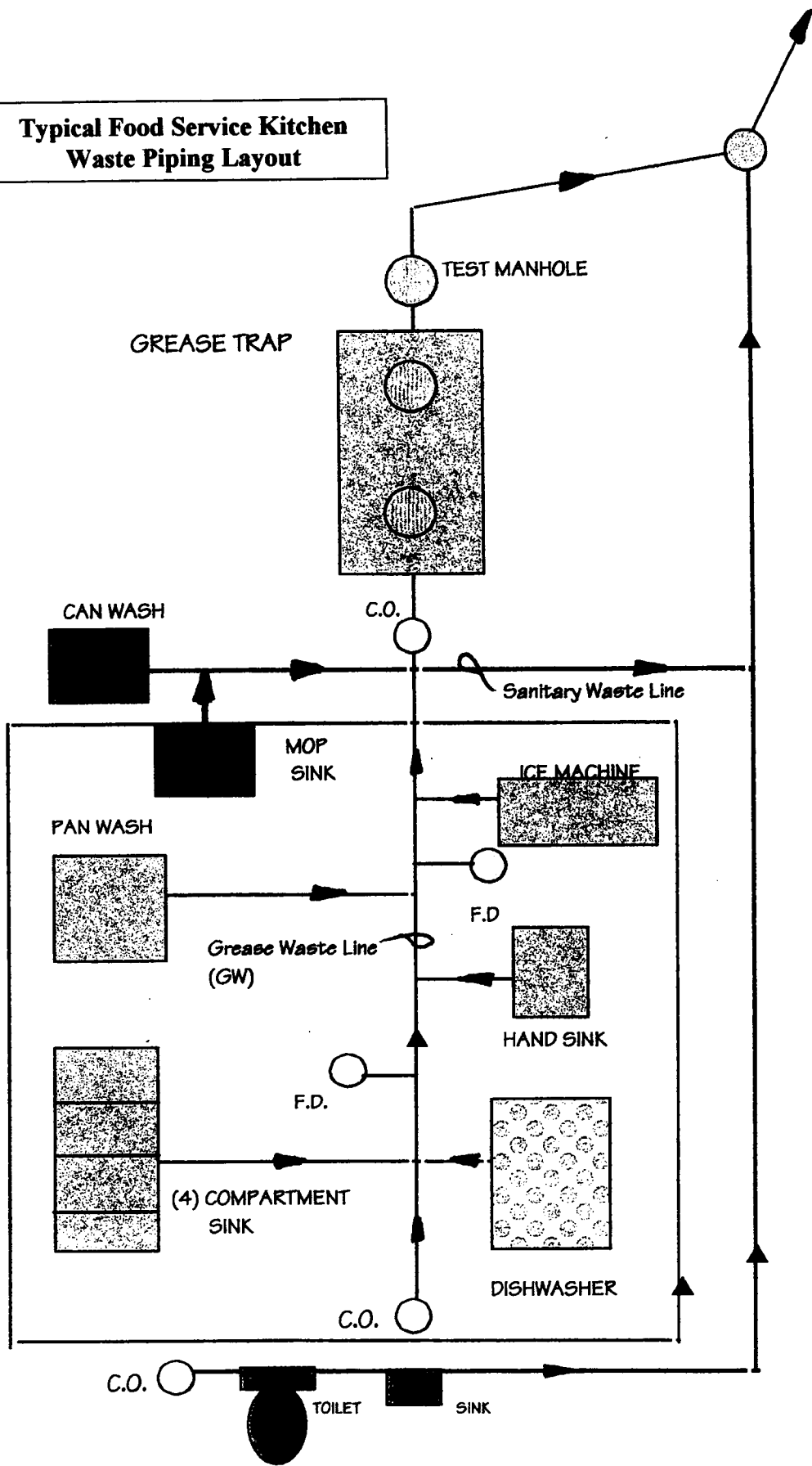
**\*\* Additional grease traps will be required if it is determined that, due to the number of food establishments in the food court, the seating schedule will not provide adequate trap capacity needed.**

**GENERATOR SOURCE CHART – MOTOR VEHICLE WASHING AND MAINTENANCE  
TABLE II**

<b>Generators/Source</b>	<b>Threats to Sewerage System</b>	<b>Minimum Treatment Requirements</b>
Car Detail Shop ( stationary)	Oil, Solids	Oil/Water Separator 1000 gal. capacity Sand trap based on size of facility; material safety data sheets required on high volume facilities for soap products used to clean cars.
Car Detail Shop (mobile)	Oil, Solids	Not allowed unless discharge permit can be obtained from Public Works Department or operator provides a tank to collect wastewater. Wastewater must be disposed of at a facility that accepts this type of waste.
Car Maintenance Shop ( 1-9 Bays) ( e.g. oil change and car repair)	Oil, Solids	Oil/Water Separator 1500 gal. capacity for each process on site. Sand trap at designated areas, and vehicle bays. Material safety data sheets for soap products used to clean cars.
Car/Truck Wash (automatic) facility has staff on site ( 200-250 cars per day)	Oil, Solids	Oil/Water Separator 3000 gal. capacity; sand trap based on size of facility, material safety data sheets for soap products used to clean cars. Reclaim systems are allowed to reduce oil water separator size. ***
Car Wash/Self Service (1-9 bays) (pressure wash hoses) no attendant on site	Oil, Solids	Oil/Water Separator 1500 gal. capacity; sand trap required in each bay prior to discharge to oil/water separator.
Gas Station with 1 bay car wash (automatic) self-service	Oil, Solids	Oil/Water Separator 1500 gal. capacity; based on size of facility, material safety data sheets for soap products used to clean cars.
Residential Properties with 1 bay car wash area (e.g. apartment complex) Car wash area covered with a roof. Car wash discharge cannot impact any storm drains on site.	Oil, Solids	Oil/Water Separator 200 gal. capacity. Sand Trap required in car wash bay area. Signs posted for residents; "No vehicle maintenance allowed."

\*\*\*Reclaim systems can be used in conjunction with oil/water separator systems or can be used alone as a pretreatment system. However, the reclaim system must have a tank capacity for oil/water separation prior to discharge to sanitary sewer. Car maintenance shops with no floor drains or discharge to sanitary sewer through service area trench drains will be required to supply the County in writing their plan for dry clean up.

**Typical Food Service Kitchen  
Waste Piping Layout**



## **APPENDIX B2      TYPICAL FOOD SERVICE PIPING LAYOUT**

## **APPENDIX B3      FEE SCHEDULE FOR COMMERCIAL PRETREATMENT**

- |    |  |          |
|----|--|----------|
| 1. | Plan review for pretreatment system<br><i>(New construction, existing facility renovation)</i>               | \$100.00 |
| 2. | Plan review (permit revision)<br><i>(Project changes for previously approved plan)</i>                       | \$ 50.00 |
| 3. | Site evaluation of a pretreatment system<br><i>(Under change of operation or ownership)</i>                  | \$ 50.00 |
| 4. | Re-inspection fee for modifications, repair and replacement of<br>Existing pretreatment systems in violation | \$ 50.00 |
| 4. | New pretreatment system installation inspection<br><i>(New construction)</i>                                 | \$100.00 |
| 5. | Re-inspection fee for new construction installation per visit  | \$ 50.00 |
| 6. | Revision to commercial waste permit during a permit year   | \$ 50.00 |
| 7. | A copy of permit inspection report (reissued)<br><i>(New construction)</i>                                   | \$ 5.00  |
- Fee schedule can be modified as needed outside this document. Those changes must be approved by the Board of Commissioners.